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U.S. DISTRICT COURT
SAVANNAH DIV.

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IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

SHALOTTA HOLMES,

Plaintiff,

v.

WAL-MART STORES EAST, LP

Defendant.

CASE NO. CV412-316

O R D E R

Before the Court is Defendant's Motion for Summary Judgment. (Doc. 22.) Before ruling on this motion, however, the Court must establish whether it has jurisdiction over the parties. Defendant's Notice of Removal attempts to invoke this Court's diversity jurisdiction. (Doc. 1 ¶ 7.) However, the jurisdictional allegations contained in the notice of removal are insufficient to establish complete diversity between the parties.

The party invoking this Court's diversity jurisdiction bears the burden of adequately pleading complete diversity between the parties. See 28 U.S.C. § 1332; Ray v. Bird & Son & Asset Realization Co., 519 F.2d 1081, 1082 (5th Cir. 1975)¹ ("The burden of pleading diversity of citizenship is

¹ In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as

upon the party invoking federal jurisdiction, and if jurisdiction is properly challenged, that party also bears the burden of proof."). For the purposes of diversity jurisdiction, a limited partnership ("LP") is a citizen of every state in which any of its partners are citizens. Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1021-22 (11th Cir. 2004). The Eleventh Circuit Court of Appeals has been explicit in addressing the proper method to allege sufficiently the citizenship of an LP: "a party must list the citizenships of . . . all the partners of the limited partnership." Id. at 1022.


In this case, the Notice of Removal does not include a list of the individual partners, along with their citizenship, of Defendant, which is a limited partnership. Rather, the notice states that Defendant is a Delaware corporation with its principal place of business in Arkansas. (Doc. 1 ¶ 3.) However, the supporting documentation filed by Defendant clearly states that it is a limited partnership. (Id. at 16.) Such pleading is insufficient for the party invoking the Court's

binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

jurisdiction to carry its burden of establishing complete diversity between the parties. See Ray, 519 F.2d at 1082.

Accordingly, Defendant is **DIRECTED** to file an Amended Notice of Removal within **ten days** from the date of this order. The amended notice should properly include the citizenship of each party to this case, specifically the names and citizenships of each partner of Wal-Mart Stores East, LP.

SO ORDERED this 27th day of August 2014.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA